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United States 1611
Circuit Court of Appeals
For the Ninth Circuit.

YEE MON,

Appellant,

vs.

LUTHER WEEDIN, United States Commissioner
of Immigration at the Port of Seattle, Wash-
ington,

Appellee.


Transcript of Record.

UPON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON,
NORTHERN DIVISION.

FILED

JUN 13 1923

FRANK A. O'BRIEN,
CLERK



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INDEX TO THE PRINTED TRANSCRIPT OF RECORD.

[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in italic; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in italic the two words between which the omission seems to occur.]

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NAMES AND ADDRESSES OF COUNSEL
OF RECORD.

HUGH C. TODD, Esquire, Attorney for Appellant,
323 Lyon Building,
Seattle, Washington.

ANTHONY SAVAGE, Esquire, Attorney for Ap-
pellee, 310 Federal Building,
Seattle, Washington.

TOM DeWOLFE, Esquire, Attorney for Appellee,
310 Federal Building,
Seattle, Washington. [1*]



In the District Court of the United States for the
Western District of Washington, Northern Di-
vision.

No. 12,712.

In the Matter of the Petition of YEE MON for a
Writ of Habeas Corpus.

PETITION FOR WRIT OF HABEAS COR-
PUS.

Comes now Yee Mon, and petitions this court for
an order to show cause and the issuance of a writ
of habeas corpus against the Hon. Luther Weedin,
Commissioner of Immigration at the Port of Se-
attle, and shows to the court as follows:

*Page-number appearing at the foot of page of original certified
Transcript of Record.

I.

That your petitioner is the blood son of Yee Ngoey, a native-born citizen of the United States.

II.

That your petitioner is not being held under or by virtue of any judgment, decree, final order or process issued by a court or a Judge of the United States, in a case where such courts or Judges have exclusive jurisdiction under the laws of the United States, or have acquired exclusive jurisdiction by commencement of legal proceedings in such a court, nor by virtue of the final judgment or decree of a court or competent tribunal of civil or criminal jurisdiction or the final order of such a tribunal made in the special proceedings instituted for any cause except to punish him for contempt; or by virtue of an execution or other process issued upon such a judgment, decree or final order; or by virtue of a warrant issued from any court upon an indictment or information. [2]

III.

That your petitioner is under an order of deportation by the Department of Labor, detained by the Commissioner of Immigration at Seattle, and that the cause or pretense upon which said order of deportation of your petitioner is based is that the Commissioner of Immigration held that your petitioner is not the son of Yee Ngoey, as aforesaid, from which order an appeal was taken to the Secretary of Labor, and said appeal was dismissed.

IV.

That the record made in the hearings of your petitioner's case before the immigration service shows that the American citizenship of Yee Ngoey, the father of your petitioner, is conceded by the Department of Labor, who now resides in the United States, and the record further shows that your petitioner Yee Mon is the blood son of the said Yee Ngoey, and therefore a citizen of the United States and entitled to be admitted and that there is no evidence to the contrary; that said order of deportation is based upon suspicion and conjecture, and not upon any evidence, and therefore the immigration officials have abused their discretion and your petitioner has not had a fair trial.

WHEREFORE, your petitioner prays that an order to show cause be issued by this court, ordering and directing said Commissioner of Immigration to appear and show cause in said court on the 12th day of November, 1928, at 10:00 o'clock A. M. why said writ should not be granted, and your petitioner further prays that a writ of habeas corpus may thereafter be issued directed against said Commissioner of Immigration, commanding him to have your petitioner before the undersigned Judge of the United States District Court for the Western District of [3] Washington, Northern Division, at the Federal Building, Seattle, Washington, at such time as may be by said court hereafter named, to do and receive what shall then and there be con-

sidered concerning your petitioner, together with the time and cause of his detention.

余文,

Petitioner.

HUGH C. TODD,

Attorney for Petitioner.

State of Washington,

County of King,—ss.

Yee Mon, being first duly sworn, on oath, through a sworn interpreter, says; that he is the petitioner above named; that he has read the foregoing petition, knows the contents thereof, and believes the same to be true.

何文

Petitioner.

ONG JEONG POY,

Interpreter.

Subscribed and sworn to before me this 19th day of October, 1928.

[Seal]

W. D. LAMBUTH,

Notary Public in and for the State of Washington,
Residing at Seattle.

[Endorsed]: Filed Oct. 19, 1928. [4]

In the United States District Court for the Western
District of Washington, Northern Division.

No. 12,712.

In the Matter of the Application of YEE MON
for a Writ of Habeas Corpus.

DECISION.

January 7, 1929.

HUGH C. TODD, Attorney for Petitioner; AN-
THONY SAVAGE, U. S. Dist. Atty., PAUL
D. COLES, Asst. U. S. Dist. Atty., Attorneys
for Government.

NETERER, District Judge.—The writ is denied.

NETERER,
U. S. District Judge. [5]

[Title of Court and Cause.]

ORDER DENYING WRIT.

The above-entitled matter having come on for hearing before the undersigned District Judge, upon the petition and record herein, the Court having heretofore rendered its written decision denying the petition for a writ of habeas corpus, and the Court being fully advised in the premises, it is hereby

ORDERED and DECREED that the writ of habeas corpus as prayed for herein, be and the same is hereby denied on the ground that the record does

not prove that the petitioner herein is the son of Yee Ngoey, a citizen of the United States.

It is hereby further ordered that the petitioner herein shall have five days within which to file notice of appeal.

Done in open court this 11th day of January, 1929.

JEREMIAH NETERER,
United States District Judge.

Service accepted Jan. 11, 1929.

HUGH C. TODD,
Attorney for Petitioner.

Filed Jan. 11, 1929. [6]

[Title of Court and Cause.]

NOTICE OF APPEAL.

To LUTHER WEEDIN, United States Commissioner of Immigration at the Port of Seattle, and to ANTHONY SAVAGE, His Attorney:

You, and each of you, are hereby notified that Yee Mon, appellant above named, hereby and now appeals from that certain order, judgment and decree made herein by the above-entitled court on the 11th day of January, 1929, adjudging, holding, finding and decreeing that the above-named petitioner be denied a writ of habeas corpus, and from

the whole thereof, to the United States Circuit Court of Appeals for the Ninth Circuit.

HUGH C. TODD,
Attorney for Appellant.

Copy received January 15, 1929.

ANTHONY SAVAGE,
U. S. Dist. Atty.

[Endorsed]: Filed Jan. 15, 1929. [7]

[Title of Court and Cause.]

PETITION FOR APPEAL.

Yee Mon, the appellant above named, deeming himself aggrieved by the order and judgment entered herein on the 11th day of January, 1929, does hereby appeal from the said order and judgment to the United States Circuit Court of Appeals for the Ninth Circuit, and prays that a transcript of the record of the proceedings and papers, together with the immigration record in this case, duly authenticated, may be sent to the United States Circuit Court of Appeals for the Ninth Judicial District of the United States.

HUGH C. TODD,
Attorney for Appellant.

Received a copy of the within petition for appeal this 15 day of Jan., 1929.

ANTHONY SAVAGE,
Attorney for Respondent.

[Endorsed]: Jan. 15, 1929. [8]

[Title of Court and Cause.]

ASSIGNMENT OF ERRORS.

I.

The Court erred in holding and deciding that the petitioner herein is not the son of Yee Ngoey, a citizen of the United States.

II.

The Court erred in holding and deciding that a writ of habeas corpus should be denied to the petitioner herein, denying him admission to the United States as a citizen.

HUGH C. TODD,
Attorney for Appellant.

Copy recd. Jan. —, 1929.

Received a copy of the within assignment of errors this 15 day of Jan., 1929.

ANTHONY SAVAGE,
Attorney for Respondent.

[Endorsed]: Filed Jan. 15, 1929. [9]

[Title of Court and Cause.]

ORDER ALLOWING APPEAL.

Now, to wit, on this 15th day of January, 1929, it is ordered that the appeal herein be allowed as prayed for; and it is further ordered that the Commissioner of Immigration at the port of Seattle

shall retain custody of said appellant pending appeal and the further orders of this court and the orders of the United States Circuit Court of Appeals for the Ninth Circuit, the petitioner herein being required to pay his maintenance at the United States Immigration Station while so detained.

Done in open court this 15th day of January, 1929.

JEREMIAH NETERER,
United States District Judge.

Received a copy of the within order this 15 day of Jan., 1929.

ANTHONY SAVAGE,
Attorney for Respondent.

[Endorsed]: Filed Jan. 15, 1929. [10]

[Title of Court and Cause.]

STIPULATION RE TRANSMISSION OF ORIGINAL RECORD AND FILE OF DEPARTMENT OF LABOR.

IT IS HEREBY STIPULATED AND AGREED by and between Hugh C. Todd, Esquire, attorney for petitioner above named, and Anthony Savage, Esquire, attorney for respondent, Luther Weedin, United States Commissioner of Immigration, that the original file and record of the Department of Labor covering the proceedings against the petitioner above named, may be by the Clerk of this court sent up to the Clerk of the Circuit

Court of Appeals, as a part of the appellate record, in order that the said original immigration file may be considered by the Circuit Court of Appeals, in lieu of a certified copy of said record and file, and that said original records may be transmitted as part of the appellate record.

HUGH C. TODD,

Attorney for Petitioner.

ANTHONY SAVAGE,

United States Attorney.

TOM DeWOLFE,

Asst. U. S. Attorney.

[Endorsed]: Filed Jan. 15, 1929. [11]

[Title of Court and Cause.]

**ORDER FOR TRANSMISSION OF ORIGINAL
RECORD OF DEPARTMENT OF LABOR.**

Upon stipulation of counsel, it is by the Court ORDERED, and the Court does hereby ORDER, that the Clerk of the above-entitled court transmit with the appellate record in said cause the original file and record of the Department of Labor, covering the deportation proceedings against the petitioner directly to the Clerk of the Circuit Court of Appeals, in order that the said original immigration file may be considered by the Circuit Court of Appeals in lieu of a certified copy of said record, but not to relieve from the rule to print, unless the C. C. A. so directs.

Done this 15 day of January, 1929.

JEREMIAH NETERER,
United States District Judge.

Received a copy of the within order this 15 day
of Jan., 1929.

ANTHONY SAVAGE,
Attorney for Respondent.

[Endorsed]: Filed Jan. 15, 1929. [12]

[Title of Court and Cause.]

PRAECIPE FOR TRANSCRIPT OF RECORD.

To the Clerk of the Above-entitled Court:

You will please prepare and duly authenticate the transcript and following portions of the record in the above-entitled case for appeal of the said appellant, heretofore allowed to the United States Circuit Court of Appeals for the Ninth Circuit:

1. Petition for writ of habeas corpus.
2. Decision.
3. Judgment.
4. Petition for appeal.
5. Notice of appeal.
6. Order allowing appeal.
7. Assignment of errors.
8. Citation.
9. Stipulation.

10. Order for transmission of original record.
11. This praecipe.

HUGH C. TODD,
Attorney for Appellant.

Received a copy of the within praecipe this 15 day of Jan., 1929.

ANTHONY SAVAGE,
Attorney for Respondent.

[Endorsed]: Filed Jan. 15, 1929. [13]

[Title of Court and Cause.]

CERTIFICATE OF CLERK U. S. DISTRICT
COURT TO TRANSCRIPT OF RECORD.

United States of America,
Western District of Washington,—ss.

I, Ed. M. Lakin, Clerk of the United States District Court for the Western District of Washington, do hereby certify this typewritten transcript of record, consisting of pages numbered from 1 to 13, inclusive, to be a full, true, correct and complete copy of so much of the record, papers and other proceedings in the above and foregoing entitled cause as is required by praecipe of counsel filed and shown herein, as the same remain of record and on file in the office of the Clerk of said District Court, at Seattle, and that the same constitute the record on appeal herein from the judgment of said United States District Court for the Western District of Washington to the United States Circuit Court of Appeals for the Ninth Circuit.

I further certify the following to be a full, true and correct statement of all expenses, costs, fees and charges incurred and paid in my office by or on behalf of the appellant for making record, certificate or return to the United States Circuit Court of Appeals for the Ninth Circuit in the above-entitled cause, to wit: [14]

Clerk's Fees, Act Feb. 11, 1925, for making record, certificate or return, 18 folios at 15¢	\$2.70
Certificate of Clerk to Transcript of Record, with seal50
Certificate of Clerk to Original Exhibits, with seal50
	<hr/>
Total	\$3.70

I hereby certify that the above cost for preparing and certifying record, amounting to \$3.70, has been paid to me by the attorney for appellant.

I further certify that I hereto attach and herewith transmit the original citation issued in this cause.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of said District Court, at Seattle, in said District, this 21st day of February, 1929.

[Seal] ED. M. LAKIN,
Clerk United States District Court, Western District of Washington.

By S. E. Leitch,
Deputy. [15]

[Title of Court and Cause.]

CITATION ON APPEAL.

United States of America,—ss.

To Honorable LUTHER WEEDIN, United States
Commissioner of Immigration at the Port of
Seattle, GREETING:

Whereas, Yee Mon has lately appealed to the United States Circuit Court of Appeals for the Ninth Circuit from the judgment, order and decree lately, to wit, on the 11th day of January, 1929, rendered in the District Court of the United States for the Western District of Washington, Northern Division, made in favor of you, adjudging and decreeing that the writ of habeas corpus as prayed for in the petition herein be denied.

You are therefore cited to appear before the United States Circuit Court of Appeals for the Ninth Circuit, in the city of San Francisco, State of California, within the time fixed by statute, to do and receive what may obtain to justice to be done in the premises.

Given under my hand in the city of Seattle, in the Ninth Circuit, this 15th day of January, in the year of our Lord one thousand nine hundred and twenty-nine and the Independence of the United States the One Hundred and Fifty-third.

[Seal]

JEREMIAH NETERER,
United States District Judge.

Received a copy of the within citation this 15 day of Jan., 1929.

ANTHONY SAVAGE,
Attorney for Respondent.

[Endorsed]: Filed Jan. 15, 1929. [16]

[Endorsed]: No. 5735. United States Circuit Court of Appeals for the Ninth Circuit. Yee Mon, Appellant, vs. Luther Weedin, United States Commissioner of Immigration at the Port of Seattle, Appellee. Transcript of Record. Upon Appeal from the United States District Court for the Western District of Washington, Northern Division.

Filed February 25, 1929.

PAUL P. O'BRIEN,
Clerk of the United States Circuit Court of Appeals for the Ninth Circuit.

